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7590

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,860

Applicant(s)

STARKMAN, HARTLEY ☒

Examiner

Clement B Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

DETAILED ACTION  
**Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is

not supported by either a specific and substantial asserted utility or a well established utility. The claimed invention is noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. Furthermore, the claimed invention do not produce a useful, concrete and tangible result therefore they are nonstatutory. The claimed invention also is not a product for performing a process, nor it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction.

As to the technology requirement, note MPEP Section iV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches "useful arts" is synonymous with "technological arts". In re Musgrave, 167USPQ 280 (CCPA1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

- 1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND
- 2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

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**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or unobviousness.
5. Claims 1-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes U.S. Patent 6, 249, 217) in view of Vig U.S. Patent 6, 038, 554.

As per claims 1, 9, Forbes discloses a method for re-marketing loans using a re-marketing model, said method comprising the steps of: deeming a number of loans in a portfolio as uncollectable; pursuing repossession of collateral for the loans. (see column 1 lines 40-45 and column 3 lines 5-20).

Forbes fail to teach planning for the disposition of the repossessed collateral, and predicting a value of repossessed collateral to be sold using the remarketing model.

However Vig discloses one of the important challenges this invention solves is calculating the relative true dollar values of many cars that offer varying attribute levels for every discoverable automobile characteristic, including safety, comfort, reliability and style and the inquirer responding to the relevant quiz series, or more prompts by the computer concerning certain facts about a probed used automobile (FIG. 12-23), for instance, the Non-Subjective Valuing.COPYRGT and a computer gives the user the

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particular selected target automobile's current dollar values on that day, at that hour, in that town, as follows (Note abstract and see column 12 line 20 and column 21 lines 20-35) and calculating the value of a used car.(see column 68 lines 15-20).

Further planning for disposition of the repossessed collateral would have been obvious because a company would have been able to recover the funds that it was owed.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Forbes to include planning for the disposition of the repossessed collateral, and predicting a value of repossessed collateral to be sold using the remarketing model taught by Vig in order to provide valuation and asymmetric information in the marketplace by conclusively providing the user the true monetary value of something based on ideal (perfect, optimal, or maximum) information about the probed entity, thus this invention is a highly desirable, beneficial and novel tool both for consumers and providers of goods and services.

The examiner submits that this is an attempt to automate a well and known process.

As per claim 2, Forbes and Vig fail to explicitly teach wherein said step of pursuing repossession of collateral for the loans further comprises the step of categorizing the collateral as one of located or not found.

However pursuing repossession of collateral for the loans further comprises the step of categorizing the collateral as one of located or not found is old and well known in the art of repossession, because for example the property may not be located at its last known address or may be hidden at a unknown location from the person attempting to repossess the property.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the teachings of Forbes and Vig to include pursuing repossession of collateral for the loans further comprises the step of categorizing the collateral as one of located or not found, because for example the property may not be located at its last known address or may be hidden at a unknown location from the person attempting to repossess the property.

As per claim 3, Forbes and Vig fail to explicitly teach further comprising the step of categorizing located collateral as one of auctioned, redeemed and placed in inventory.

However auctioned, redeemed a property and placing the property in inventory are old and well known steps in the art of repossession because it would have obvious that after redeeming the property whether it is placed in inventory the primary objective of the company would have been to recover money lost on the sale of the property and the sale of the property would have imminent and sale of the property at an auction or among the regular inventory would not have restricted the primary objective of selling the property.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig to include the step of categorizing located collateral as one of auctioned, redeemed and placed in inventory because it would have obvious that after redeeming the property whether it is placed in inventory the primary objective of the company would have been to recover money lost on the sale of the property and the sale of the property would have imminent and sale of

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the property at an auction or among the regular inventory would not have restricted the primary objective of selling the property.

As per claim 4, Forbes and Vig fail to explicitly teach further comprising the step of engaging an agency to locate the not found collateral.

However engaging an repossession agency to locate the not found collateral is old and well known in the art because these agency are more capable of finding a not found collateral by tracking the user of the collateral and using other strategies in locating a collateral.

Therefore if would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig to include the step of engaging an repossession agency to locate the not found collateral because the agency are more capable of finding a not found collateral by tracking the user of the collateral and using other strategies in locating a collateral.

As per claim 5, Forbes and Vig fail to explicitly teach further comprising the step of writing off the not found collateral.

However the step of writing off the not found collateral is old and well known in the art of repossession because an institution would be unable to recover the funds owed by reselling the collateral.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig fail to include the step of writing off the not found collateral because an institution would be unable to recover the funds owed by reselling the collateral.

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As per claims 6-8, Forbes fail to teach a system according to Claim 11 wherein said re-marketing model configured to:

plan for storage of the collateral, and plan for a sale of the collateral.

However Vig discloses one of the important challenges this invention solves is calculating the relative true dollar values of many cars that offer varying attribute levels for every discoverable automobile characteristic, including safety, comfort, reliability and style and the inquirer responding to the relevant quiz series, or more prompts by the computer concerning certain facts about a probed used automobile (FIG. 12-23), for instance, the Non-Subjective Valuing.COPYRGT and a computer gives the user the particular selected target automobile's current dollar values on that day, at that hour, in that town, as follows (Note abstract and see column 12 line 20 and column 21 lines 20-35) and calculating the value of a used car.(see column 68 lines 15-20).

Further storing a collateral after it has been repossessed from a buyer would have been obvious because the collateral would have had to be stored for safe keeping in order for the planning and determining how the collateral will be sold.

Therefore if would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig to include storage of a collateral because the collateral would have had to be stored for safe keeping in order for the planning and determining how the collateral will be sold.

As per claim 10, Forbes fail to teach combining predicted sales proceeds based on the collateral and predicted cash flow of redeemed loans to predict a total cash flow estimate for a particular month.



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However Vig discloses one of the important challenges this invention solves is calculating the relative true dollar values of many cars that offer varying attribute levels for every discoverable automobile characteristic, including safety, comfort, reliability and style and the inquirer responding to the relevant quiz series, or more prompts by the computer concerning certain facts about a probed used automobile (FIG. 12-23), for instance, the Non-Subjective Valuing.COPYRGT and a computer gives the user the particular selected target automobile's current dollar values on that day, at that hour, in that town, as follows(Note abstract and see column 12 line 20 and column 21 lines 20-35) and calculating the value of a used car.(see column 68 lines 15-20).

It would have been obvious that information is based on the redeemed loans and the dollar value of those loans an institution would have been able to predict a total cash flow estimate for a particular month.

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Forbes and Vig fail to include the step predict a total cash flow estimate for a particular month because the information would have been based on the redeemed loans and the dollar value of those loans an institution.

As per claims 11, 19, Forbes discloses a system for re-marketing loans, said system comprising:

a computer configured with using a re-marketing model, said remarketing model configured to deem a number of loans in a portfolio as uncollectable, pursue

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repossession of collateral for the loans.(see column 1 lines 40-45 and column 3 lines 5-20).

Forbes fail to explicitly teach a plan for the disposition of the repossessed collateral and predict a value of repossessed collateral to be sold using the re-marketing model.

However Vig discloses one of the important challenges this invention solves is calculating the relative true dollar values of many cars that offer varying attribute levels for every discoverable automobile characteristic, including safety, comfort, reliability and style and the inquirer responding to the relevant quiz series, or more prompts by the computer concerning certain facts about a probed used automobile (FIG. 12-23), for instance, the Non-Subjective Valuing.COPYRGT and a computer gives the user the particular selected target automobile's current dollar values on that day, at that hour, in that town, as follows (Note abstract and see column 12 line 20 and column 21 lines 20-35) and calculating the value of a used car.(see column 68 lines 15-20).

Further planning for disposition of the repossessed collateral would have been obvious because a company would have been able to recover the funds that it was owed.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Forbes to include planning for the disposition of the repossessed collateral, and predicting a value of repossessed collateral to be sold using the remarketing model taught by Vig in order to provide valuation and asymmetric information in the marketplace by conclusively providing the user the true monetary value of something based on ideal (perfect, optimal, or

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maximum) information about the probed entity, thus this invention is a highly desirable, beneficial and novel tool both for consumers and providers of goods and services.

The examiner submit that this is an attempt to automate a well and known process.

As per claim 12, Forbes and Vig fail to explicitly teach wherein said step of pursuing repossession of collateral for the loans further comprises the step of categorizing the collateral as one of located or not found.

However pursuing repossession of collateral for the loans further comprises the step of categorizing the collateral as one of located or not found is old and well known in the art of repossession, because for example the property may not be located at its last known address or may be hidden at a unknown location from the person attempting to repossess the property.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the teachings of Forbes and Vig to include pursuing repossession of collateral for the loans further comprises the step of categorizing the collateral as one of located or not found, because for example the property may not be located at its last known address or may be hidden at a unknown location from the person attempting to repossess the property.

As per claim 13, Forbes and Vig fail to explicitly teach further comprising the step of categorizing located collateral as one of auctioned, redeemed and placed in inventory.

However auctioned, redeemed a property and placing the property in inventory are old and well known steps in the art of repossession because it would have obvious that

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after redeeming the property whether it is placed in inventory the primary objective of the company would have been to recover money lost on the sale of the property and the sale of the property would have imminent and sale of the property at an auction or among the regular inventory would not have restricted the primary objective of selling the property.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig to include the step of categorizing located collateral as one of auctioned, redeemed and placed in inventory because it would have obvious that after redeeming the property whether it is placed in inventory the primary objective of the company would have been to recover money lost on the sale of the property and the sale of the property would have imminent and sale of the property at an auction or among the regular inventory would not have restricted the primary objective of selling the property.

As per claim 14, Forbes and Vig fail to explicitly teach further comprising the step of engaging an agency to locate the not found collateral.

However engaging an repossession agency to locate the not found collateral is old and well known in the art because these agency are more capable of finding a not found collateral by tracking the user of the collateral and using other strategies in locating a collateral.

Therefore if would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig to include the step of engaging an repossession agency to locate the not found collateral because the

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agency are more capable of finding a not found collateral by tracking the user of the collateral and using other strategies in locating a collateral.

As per claim 15, Forbes and Vig fail to explicitly teach further comprising the step of writing off the not found collateral.

However the step of writing off the not found collateral is old and well known in the art of repossession because an institution would be unable to recover the funds owed by reselling the collateral.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig fail to include the step of writing off the not found collateral because an institution would be unable to recover the funds owed by reselling the collateral.

As per claims 16-18, Forbes fail to teach a system according to Claim 11 wherein said re-marketing model configured to:

plan for storage of the collateral, and plan for a sale of the collateral.

However Vig discloses discloses one of the important challenges this invention solves is calculating the relative true dollar values of many cars that offer varying attribute levels for every discoverable automobile characteristic, including safety, comfort, reliability and style and the inquirer responding to the relevant quiz series, or more prompts by the computer concerning certain facts about a probed used automobile (FIG. 12-23), for instance, the Non-Subjective Valuing.COPYRGT and a computer gives the user the particular selected target automobile's current dollar values on that day, at that hour, in

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that town, as follows (Note abstract and see column 12 line 20 and column 21 lines 20-35) and calculating the value of a used car.(see column 68 lines 15-20).

Further storing a collateral after it has been repossessed from a buyer would have been obvious because the collateral would have had to be stored for safe keeping in order for the planning and determining how the collateral will be sold.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Forbes and Vig to include storage of a collateral because the collateral would have had to be stored for safe keeping in order for the planning and determining how the collateral will be sold.

As per claim 20, Forbes fail to teach combining predicted sales proceeds based on the collateral and predicted cash flow of redeemed loans to predict a total cash flow estimate for a particular month.

However Vig Vig discloses one of the important challenges this invention solves is calculating the relative true dollar values of many cars that offer varying attribute levels for every discoverable automobile characteristic, including safety, comfort, reliability and style and the inquirer responding to the relevant quiz series, or more prompts by the computer concerning certain facts about a probed used automobile (FIG. 12-23), for instance, the Non-Subjective Valuing.COPYRGT and a computer gives the user the particular selected target automobile's current dollar values on that day, at that hour, in that town, as follows (Note abstract and see column 12 line 20 and column 21 lines 20-35) and calculating the value of a used car.(see column 68 lines 15-20).

It would have been obvious that information is based on the redeemed loans and the dollar value of those loans an institution would have been able to predict a total cash flow estimate for a particular month.

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Forbes and Vig fail to include the step predict a total cash flow estimate for a particular month because the information would have been based on the redeemed loans and the dollar value of those loans an institution.

As per claim 21, Forbes discloses a system in accordance with Claim 11 wherein said computer further configured as a server, said system further comprising:  
at least one computer; and  
a network connecting said server.(i. e, base terminal) to said at least one computer.(see column 4 lines 5-15).

As per claim 22, Forbes discloses wherein said network is at least one of a WAN or a LAN.(i. e, network") (see column 4 lines 5-15).

However WAN or a LAN are network names

#### Conclusion

6. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Campbell et al(US 4, 774, 664 Patent ) teaches financial data processing system and method.

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.Acosta et al (US Patent 6, 643, 625) teaches system and method for auditing loan portfolio and loan servicing portfolio.

Andersen et al (US Patent 5,774,883) teaches method for selecting a seller's most profitable financing program.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 19, 2004

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600